

EXHIBIT 7

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF FLORIDA
3 ORLANDO DIVISION
4 CASE NUMBER 6:22-mj-1656
5 CASE NUMBER 6:22-cr-102-WWB-DAB

6
7 UNITED STATES OF AMERICA, :
8 :
9 Plaintiff, : Orlando, Florida
10 v. : June 24, 2022
11 : 3:38 p.m.
12 BRIAN PATRICK DURNING, :
13 :
14 Defendant. :
15

11 TRANSCRIPT OF INITIAL APPEARANCE HEARING

12 BEFORE THE HONORABLE LESLIE R. HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

14 APPEARANCES:

16 | Counsel for Government: Emily C.J. Chang

18 | Counsel for Defendant: Nicole Mouakar

21 Court Reporter: Amie R. First, RDR, CRR, CRC, CPE
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24 Proceedings recorded by FTR Gold Digital Recording.

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P R O C E E D I N G S

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3 THE DEPUTY CLERK: Case Number 6:22-mj-1656, the
4 United States of America versus Brian Patrick Durning.

5 Counsel, please state your appearances for the
6 record.

7 MS. CHANG: Good afternoon, Your Honor. Emily
8 Chang on behalf of the United States.

With me is Senior Inspector Anthony Helico of the
United States Marshal Service.

11 THE COURT: Good afternoon.

12 MS. MOUAKAR: Good afternoon, Your Honor. Nicole
13 Mouakar on behalf of Mr. Brian Patrick Durning.

14 THE COURT: Good afternoon.

15 Good afternoon, Mr. Durning.

16 THE DEFENDANT: Good afternoon.

17 THE COURT: You can go ahead and sit down, sir.

18 Thank you.

19 Mr. Durning, we're here today for what's called an
20 initial appearance. You've been charged by way of a
21 Criminal Complaint with a violation -- with two violations
22 of federal law.

23 And what we're going to do during this proceeding,
24 sir, is we're going to briefly summarize the violations and
25 the penalties that you may be facing. We're going to talk

1 MS. MOUAKAR: But there's three -- I'm sorry,
2 Your Honor. Because his stepfather in California, that
3 address is his permanent address.

4 THE COURT: Okay.

5 MS. MOUAKAR: Here in Florida, he's got a mother
6 and a father. They both live in separate but very close
7 proximity addresses, Your Honor.

8 THE COURT: Okay. And, again, on Monday morning
9 he's scheduled to go back to California.

10 MS. MOUAKAR: Yes, to the address on the Pretrial
11 Service report.

12 THE COURT: Okay. Then I think what might be
13 easier, because by the time we get this paperwork in,
14 Mr. Durning is going to be heading back to California.

15 I'm just going to list the 2044 El Molino Avenue
16 address on the release order, and that's the California
17 address.

18 Any objection to that, Ms. Chang?

19 MS. CHANG: No, Your Honor.

20 THE COURT: Any objection to that, Ms. Mouakar?

21 MS. MOUAKAR: No, Your Honor.

22 THE COURT: Okay.

23 So what that means, Mr. Durning, is you're not to
24 switch addresses in California without telling Pretrial in
25 advance.

1 Do you understand, sir?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay.

4 (Pause in proceedings.)

5 THE COURT: Okay. Just bear with me while I write
6 all this down.

7 And I'm going to change your condition on
8 surrendering your passport since the agent is going to
9 bring it to Mr. Jackson. I'm just going to put it as
10 immediately that way we don't have to worry about anybody
11 checking with us on Monday.

12 And then no new passport or travel documents.

13 (Pause in proceedings.)

14 THE COURT: Okay. I think I got them all. Let me
15 make sure, just to recap. Make sure I didn't miss anything
16 or get anything wrong.

17 We have the five standard conditions. We have
18 that Mr. Durning will be subject to Pretrial Services
19 supervision. Report as directed.

20 His residence will be 2044 El Molino Avenue,
21 Altadena, California, address. Cannot be changed without
22 advance approval from Pretrial Services.

23 Refrain from having in the residence any firearms
24 or destructive devices.

25 Refrain from the excessive use of alcohol.

1 Surrender any passport immediately. Not obtain
2 any new passport or travel documents. Travel restricted to
3 Middle District of Florida and Central District of
4 California.

5 Maintain, actively seek, or commence legitimate
6 verifiable employment.

7 Refrain from any direct or indirect contact with
8 any victim, witness, or the family of any victim or
9 witness.

10 Location monitoring with a curfew from 9:00 p.m.
11 to 6:30 a.m. And the location monitoring will be at the
12 discretion of Pretrial Services.

13 And not have any contact with minors without a
14 responsible adult present.

15 And alcohol testing and treatment at the request
16 of Pretrial Services.

17 Did I miss anything?

18 MS. CHANG: No, Your Honor.

19 THE COURT: All right. That's a first.

20 Ms. Mouakar, last chance, any objections or
21 clarifications to any of those conditions?

22 MS. MOUAKAR: No, Your Honor.

23 THE COURT: All right. Thank you very much.

24 And I appreciate you all bearing with me on this.

25 So, Mr. Durning, let me explain to you what's

1 going to happen, sir, because I know we've been doing a lot
2 of back and forth here.

3 You're going to get a copy of this document and
4 you're going to have to sign it. Take as long as you need
5 to read through it. Make sure you understand it. Ask
6 Ms. Mouakar any questions. Make sure you understand
7 everything you're agreeing to abide to.

8 Because, Mr. Durning, if I get a notice of what's
9 called a petition that you violated any of these
10 conditions, whether you think it's by a mistake or a
11 misunderstanding, what's going to happen is I'm going to
12 issue an arrest warrant for you. You're going to come back
13 in here and we're going to have another conversation and
14 you may very well (inaudible.)

15 So in other words, what I like to say to everybody
16 is, ask permission first, not forgiveness. Anything you
17 need clarification on, you talk to your attorney, you talk
18 to your Pretrial Services officer in advance.

19 Do you understand, sir?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. Very good.

22 With that, is there anything else we need to take
23 up today on behalf of the United States?

24 MS. CHANG: No, Your Honor. Thank you.

25 THE COURT: Thank you very much.

1 Anything else, Ms. Mouakar, about your client?

2 MS. MOUAKAR: No, Your Honor. Thank you so much.

3 THE COURT: And I want to thank everybody,

4 including the marshals, Pretrial, the CSOs, for being here
5 late.

6 You all have a good evening.

7 (Proceedings adjourned at 4:01 p.m.)

8 * * * * *

10 **C E R T I F I C A T E**

11
12 I certify that the foregoing is a correct
13 transcript from the record of proceedings in the
14 above-entitled matter to the best of my ability.

15
16 April 3, 2024
17

18 s\ Amie R. First

19 Amie R. First, RDR, CRR, CRC, CPE
20 Federal Official Court Reporter
United States District Court
Middle District of Florida
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